A Northeast Asia Nuclear Weapon Free Zone with a Three-plus-Three Arrangement

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By Hiromichi Umebayashi

March 13, 2012

This report is from the East Asia Nuclear Security workshop held on November 11, 2011 in Tokyo, Japan. The workshop aimed to evaluate the robustness of proposals to establish a nuclear weapons-free zone in Northeast Asia (NEA-NWFZ) and to identify pathways leading to its creation. The workshop was organized by the Nautilus Institute, the Maureen and Mike Mansfield Foundation and Nautilus Australia – RMIT Global Studies, and co-hosted by the Asia Pacific Leadership Network.

Papers and presentations given at the East Asia Nuclear Workshop are available here, along with the full agenda, participant list and a workshop photo gallery.

Nautilus invites your contributions to this forum, including any responses to this report.

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I. Introduction

Hiromichi Umebayashi, President of the Peace Depot, assesses the prospects for a Northeast Asian Nuclear Weapons Free Zone (NEA-NWFZ) and the applicability of lessons learned during the establishment of similar treaties in other regions of the world. He writes that the obstacles facing a NEA-NWFZ are "nothing exceptional when we look at the histories of efforts to establish existing NWFZs" and that these histories "indicate that the windows of treaty negotiations were opened by the political vision and will by one of the countries concerned, and ten to thirty years were needed for conclusion of the treaties by overcoming obstacles which differed from region to region." Therefore, Umebayashi concludes that it is neither necessary or appropriate to delay the consideration of a NEA-NWFZ until after the DPRK discontinues its nuclear program.

Umebayashi continues, "In addition to such fundamental lessons, there are specific wisdoms to be found in the existing NWFZ treaties . . . One is related to the provision for the entry-into-force of the treaty. If one or more state parties have concern about others' possible noncompliance with a hard-woven NEA-NWFZ treaty, one could invent a . . . certain kind of waiving system such as the one adopted in the Tlatelolco Treaty. Also, learning from the precedent of ABACC, it seems worthwhile to re-examine the possibility of South-North (North-South) Joint Nuclear Control Commission, which is stipulated by the 1992 Joint Declaration on the Denuclearization of the Korean Peninsula, or its modification, as the first step of confidence building measures in the region."

The views expressed in this report do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of views and opinions on significant topics in order to identify common ground.

II. Report by Hiromichi Umebayashi

-"A Northeast Asia Nuclear Weapon Free Zone with a Three-plus-Three Arrangement"

by Hiromichi Umebayashi

Introduction

After the end of the Cold War, a Northeast Asia Nuclear-Weapon-Free Zone (NEA-NWFZ) became more than a political slogan and several concrete proposals with different arrangements have been proposed since. Among others, the present author proposed a scenario called "three plus three" in 1996, in which a trilateral NEA-NWFZ treaty among Japan, the Republic of Korea (ROK) and the Democratic People's Republic of Korea (DPRK) was envisioned. As well, it included a special protocol for negative security assurances by the three neighboring nuclear weapon states -- China, Russia and the United States of America [1]. Later, in 2004, a model treaty was developed by the same author in cooperation with NGOs in Japan and the ROK [2]. In that model treaty, while it continued to be based upon the three plus three scenario, a six-party treaty, rather than a three-party treaty, was proposed. The parties to the treaty would be placed in two categories: "intrazonal states" (Japan, ROK and DPRK) and "neighboring nuclear weapon states" (China, Russia and the U.S.). Geographically, the NEA-NWFZ is composed of the territory of the intrazonal states. Security assurances by neighboring nuclear weapon states were incorporated into the main text of the treaty because they are deemed essential to the treaty negotiation process from its outset.

Evolvement of Security Environment

These initial studies were undertaken with the following mid- or long-term goals in mind:

- To prevent a foreseeable competitive escalation of nuclear development among Japan, the ROK and the DPRK, or between Japan and a reunified Korea.

- To establish mechanisms to implement the provisions of the NEA-NWFZ including verification and energy cooperation, as the first step toward further confidence-building and broader cooperative security mechanisms in the region.

- To demonstrate the possibility of a security framework free from extended nuclear deterrence in a region closely surrounded by nuclear weapon states. Thus, it will contribute to global nuclear disarmament and non-proliferation efforts.

While these objectives still remain relevant today, substantial political changes have occurred in the past ten years, requiring a renewed assessment of the steps to be taken to advance the agenda of a NEA-NWFZ.

One positive development is the birth of the Six-Party Talks in August 2003. At the time of the introduction of a NEA-NWFZ with the three plus three arrangement in 1996, there were no Six-Party Talks. The Talks eventually involved the same six countries as proposed for the NWFZ and became a potential forum to discuss such a zone. When we developed a six-party model treaty, there was no September 2005 joint statement, the fundamental agreement among the six countries. The 2005 joint statement acknowledges the relevance of security cooperation in Northeast Asia to "the verifiable denuclearization of the Korean Peninsula," by saying: "The Six Parties agreed to explore ways and means for promoting security cooperation in Northeast Asia." A NEA-NWFZ is typical of such ways and means for security cooperation. Moreover, the February 2007 agreement on "Initial Actions for the Implementation of the Joint Statement" established five working groups including one specific to a "Northeast Asia Peace and Security Mechanism."

Another innovative element was included in the 2005 joint statement. In addition to the DPRK's commitment to "abandoning all nuclear weapons and existing nuclear programs," the United States affirmed that it has "no intention to attack or invade the DPRK with nuclear or conventional weapons." This means that future security assurances by nuclear weapon states could be extended to include response to an attack by conventional weapons and that an unprecedented regional security cooperation mechanism could possibly be envisioned in this regard.

On the other hand, the past five years have seen serious negative development regarding the DPRK nuclear program. The DPRK conducted two underground nuclear tests in 2006 and 2009. Although the weaponization of those devices has not yet been proven, it will not be surprising if this happens in the near future. Also, the DPRK demonstrated its ongoing indigenous plan of so-called "Juche-based nuclear power industry [3]," involving the construction of at least one small light water reactor (LWR) and a modern centrifuge uranium enrichment facility as was witnessed by a team of U.S. experts that visited Pyongyang in November 2010 [4].

The latter development relating to the LWR is considered to be more or less consistent with the DPRK's arguments maintained before and after the start of the Six-Party Talks and could be used as a renewed path for the international community to engage the DPRK with multi-faceted deliberations[5]. Regarding the former development of escalated nuclear deterrence, it is important to note that the DPRK has never hinted that it would possess a nuclear deterrent for the purpose of dominance, and has maintained that the deterrent is needed to assure national security and the preservation of the regime. In this context, this year's Joint New Year Editorial in leading DPRK newspapers reads, "The DPRK is consistent in its stand and will to achieve peace in Northeast Asia and denuclearization of the whole of the Korean peninsula. [6]"

Under these circumstances, the international community has urged the DPRK to fulfill the commitments of the Six-Party Talks in accordance with the September 2005 joint statement at the 2010 NPT Review Conference [7]. Furthermore, the Conference Final Document reads that, "(t)he Conference also calls on the DPRK and all States parties to fully implement all relevant nuclear non-proliferation and disarmament obligations" and "reaffirmed its firm support for the Six-Party Talks and remains determined to achieve the satisfactory and comprehensive resolution to the issues involved through diplomatic means. [8]" These statements imply the recognition that the DPRK's nuclear issue is part of broader global nuclear non-proliferation and disarmament issues.

Difficulties: not Unusual but Diverse in Establishing NWFZs

Some think that as long as the DPRK is not ready to discard its nuclear weapons program, a NEA-NWFZ will remain a remote aspiration or merely an unrealistic dream. However, the difficulties involved in establishing a NEA-NWFZ is nothing exceptional when we look at the histories of efforts to establish existing NWFZs. Those histories tell us that forerunners' efforts for NWFZs began with legitimate people's aspiration and political will that went well beyond the inevitable challenges of such endeavors.

In the case of the African NWFZ, African nations successfully gained a United Nations General Assembly (UNGA) resolution for a NWFZ on the African Continent in 1961, in response to French nuclear testing in the Sahara Dessert in Algeria, a French colony at that time. In spite of the adoption of the UNGA resolution, French nuclear tests continued there for four years even after the independence of Algeria in 1962. Meanwhile a suspected nuclear weapon program in the Republic of South Africa emerged in 1977 and became the major obstacle to establishing an African NWFZ. Denuclearization of South Africa was realized in 1990 only after the end of the Cold War [9]. It took thirty-five years since the first UNGA resolution in 1961 for the African NWFZ Treaty, the Pelindaba Treaty, to be adopted in 1996.

Looking at the NWFZ in Latin America and the Caribbean, the proposal for the zone was first made by Costa Rica when it introduced a draft resolution to a Council of the Organization of the American States (OAS) in 1958 [10]. The NWFZ Treaty for the region, the Tlatelolco Treaty, was concluded in 1967 after four years' negotiation on the treaty's text. The 1962 Cuban crisis contributed to the general unification of regional efforts for a NWFZ treaty. As the Tlatelolco Treaty adopted an ingenious provision for the entry into force, the organization to ensure compliance with the obligations of the Treaty, OPANAL, began operation in 1967. However, two major countries in the region with the most advanced nuclear technology, Brazil and Argentina, remained outside control of the treaty. It was suspected that competitive nuclear weapon programs of the two countries, including even preparation for nuclear tests that was later admitted by a Brazilian official, continued for decades. Under the prevailing regional norm of the freedom from nuclear weapons brought about by the Tlatelolco Treaty, the two countries advanced incremental measures for mutual confidence building and eventually established a bilateral agency, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and then concluded a four party agreement for full-scope safeguards among the two countries, ABACC and IAEA in 1991. It was thirty-three years after the initial Costa Rican proposal.

It may be worthwhile to quote from a speech [11] by a Canadian diplomat, William Epstein, who was deeply involved in the negotiation of the Tlatelolco Treaty. He said, "I cannot resist telling the story of how, when I first became involved in the work of the Treaty, I was told by senior diplomats of four nuclear powers…that I would be wasting my time and that there would never be an agreement on such a Treaty…It seems to be a truism that in politics and diplomacy, 'never' never means never."

In the case of Southeast Asia nuclear-weapon-free-zone, it was in 1971 during the Cold War that five

ASEAN countries declared the “Zone of Peace, Freedom and Neutrality (ZOPFAN),” which explicitly included the concept of a NWFZ. However, the presence of nuclear weapons deployed by the United States at its military bases in the Republic of the Philippines (RP) was a matter of common knowledge and an obvious obstacle to the advancement of a Southeast Asia NWFZ concept. Thus, the rejection by the Philippine Senate of the extension of the U.S.-RP Military Bases Agreement in 1991 became a turning point and viable conditions for treaty negotiations came into existence. Negotiations were concluded in 1995 and the Bangkok Treaty on the Southeast Asia NWFZ became the first NWFZ treaty after the end of the Cold War. This process took twenty-four years from the time of the ZOPFAN declaration.

Even with respect to the NWFZ treaties that involved fewer difficulties in their negotiations, such as Rarotonga Treaty for the South Pacific Nuclear Free Zone, it took thirteen years to conclude that treaty after New Zealand introduced the idea to the South Pacific Forum in 1972. The Central Asia NWFZ treaty took thirteen years to be agreed upon since first proposed in a UNGA speech by the President of Uzbekistan in 1993.

These histories of the births of existing NWFZs indicate that the windows of treaty negotiations were opened by the political vision and will by one of the countries concerned, and ten to thirty years were needed for conclusion of the treaties by overcoming obstacles which differed from region to region. In the context of the Northeast Asia NWFZ, a lesson from these histories is that an inflexible way of thinking that any proposal for a NEA-NWFZ should come only after the DPRK’s definite abandonment of its nuclear programs is not appropriate. Instead, a manifestation of the political will must come first for any progress to be achieved.

Specific Wisdoms to Learn

In addition to such fundamental lessons, there are specific wisdoms found in the existing NWFZ treaties that may be applicable to a NEA-NWFZ. One of such wisdoms is related to the provision for the entry-into-force of the treaty. If one or more state parties have concern about others’ possible incompliance with a hard-woven NEA-NWFZ treaty, one could invent a system of provisional subscription to the treaty by state parties for a limited period, or a certain kind of waiving system such as adopted in the Tlatelolco Treaty.

Also, learning from the precedent of ABACC, it seems worthwhile to re-examine the possibility of South-North (North-South) Joint Nuclear Control Commission, which is stipulated by the 1992 Joint Declaration on the Denuclearization of the Korean Peninsula, or its modification, as the first step of confidence building measures in the region. The modification could be pursued to involve the United State if appropriate.

Significance of the Global Context

Transformation from the current security arrangement characterized by extended nuclear deterrence to a new arrangement featuring a NEA-NWFZ has special relevance to global efforts toward a world without nuclear weapons.

One of the obvious steps to be taken toward that goal after the new START, the strategic offensive arms reduction treaty between the United States and Russia, is further nuclear weapon reductions by the two countries whose nuclear stockpiles are estimated to exceed 95 % of the global total. According to expert opinion, however, there is concern about whether the United States can take a bold step for further reductions unless its targeting policy is fundamentally changed by a new Presidential Policy Directive and its strict implementation. [12] This has direct relevance to the responsibility of U.S. allies.

Those allies who request extended nuclear deterrence from the United States contribute to increasing specific numbers of targets to be attacked by U.S. nuclear weapons. As a consequence, this necessitates the United States maintain specific numbers of nuclear warheads for those attacks. The frequent assertion by Japanese foreign ministry officials that Japan's nuclear umbrella policy does not contradict its nuclear disarmament policy is becoming more and more untrue as further deep cuts in the U.S. nuclear arsenal are imperative if a world without nuclear weapons is to be realized. Thus, transformation of security policy toward a NEA-NWFZ is very much wanted for all countries in this region, and especially for U.S allies in the region.

The admission of extended nuclear deterrence in a NWFZ should not be welcome not only because it is against the underlying spirit of a NWFZ, an effort to devalue '"the most indiscriminately inhumane weapons ever invented" (Inaugural Statement of APLN – Asia Pacific Leadership Network), but also because, especially in NEA, it creates a destructive negotiation environment as the DPRK, a should-be non-nuclear state party to the treaty, will continue to claim the need to possess its own nuclear deterrence if other non-nuclear state parties remain under the protection of extended nuclear deterrence.

Lastly are appended two statements to support the establishment of a NEA-NWFZ: one by 93 Japanese and Korean parliamentarians and the other by the 105 Japanese mayors.

III. References

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IV. Nautilus invites your responses

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